



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

March 27, 2023

Clerk of the Court
U.S. Court of Appeals, D.C. Circuit
333 Constitution Ave, N.W.
Washington, D.C. 20001

Re: Center for Biological Diversity et al. v. U.S. International Development Finance Corporation (Appeal No. 22-5095), Requests for Information and Citations for the Court (Original by ECF and Four Copies by Registered Mail)

Dear Clerk:

Pursuant to Fed. R. App. P. 28(j) and D.C. Cir. Rule 28(f), Appellants hereby submit this letter of supplemental citations. During oral argument for the above captioned case, held March 16 of this year, the Court asked for information not readily available by counsel that morning.

Regarding “public hearings” under the now repealed U.S. Overseas Private Investment Corporation (OPIC) authorizing statute, the relevant requirement was as follows:

c) Public hearings

(1) The Board shall hold at least one public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with [section 2191](#) of this title and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, guarantees, or financing under this subpart.

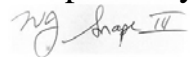
(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.

22 U.S.C. § 2191a(c), repealed. *Compare* U.S. International Development Finance Corporation (DFC) organic statute (BUILD Act), 22 U.S.C. § 9613(c).

In addition, the OPIC authorizing statute possessed an exemption from the Federal Advisory Committee Act (or “FACA”). “The advisory group shall not be subject to the Federal Advisory Committee Act, (5 U.S.C. App.).” 22 U.S.C. § 2194b (b) (4), repealed.

Similarly, the corresponding BUILD Act provision regarding FACA for the DFC states: “The Council shall not be subject to the Federal Advisory Committee Act, (5 U.S.C. App.).” 22 U.S.C. § 9613(i) (4); Section 1413(i) (4), BUILD Act, P.L. 115-254, 132 Stat. 3486, 3485. *See also* Section 1464, BUILD Act (Termination of Overseas Private Investment Corporation and Other Superseded Authorities).

Respectfully,



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cc: Mr. Nicholas Crown, U.S. Department of Justice